

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cordick et al
 For: ODOR CONTROL AGENT
 Serial No.: 09/743,757
 Filed: July 13, 1999
 Our Reference: JJ-10 072US



133 Richmond Street West
 Toronto, Ontario M5H 2L7

March 26, 2003

PCT Legal Office,
 Assistant Commissioner for Patents
 Box PCT
 Commissioner of Patents and Trademarks
 Washington, D.C. 20231

Dear Sir:

PETITION TO WITHDRAW TH HOLIDNG OF ABANDONMENT
UNDER 37 C.F.R. 1.8(1)

Applicant has received a communication dated February 26, 2003 in the above application.

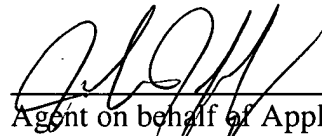
As set forth in the background of the communication, Applicant filed the international application PCT/CA99/00628 on July 13, 1999 claiming priority from an earlier application filed July 13, 1998. The United States Patent and Trademark Office was designated in this application and elected upon the filing of the demand prior to the expiration of 19 months from the priority date. On January 16, 2001, Applicant filed a transmittal letter for entry into the National Phase which was accompanied by the basic national fee, which application was considered to be timely filed. On February 20, 2001, Applicant was mailed a Notification of Missing Requirements in which the oath or declaration was required, along with payment of the surcharge.

On March 20, 2001, Applicant filed a second transmittal letter by facsimile, including the required oath and the authorization to charge our deposit account in the amount of \$130.00 to cover the surcharge. This was facsimile transmitted on March 20, 2001 to the attention of John Anderson. Enclosed herewith is a copy of the documents faxed on March 20, 2001, including the confirmation page confirming the transmission of the facsimile.

On January 24, 2003 we received a Notice of Abandonment dated January 14, 2003. Immediately upon receipt of the Notice of Abandonment, I contacted Mr. John Anderson who requested that we forward to him a copy of the documents which had been filed on March 20, 2001. This copy of the documents was the communication which was forwarded to the Patent Office by facsimile on January 29, 2003.

It is respectfully submitted that the oath or declaration and surcharge fee were properly filed by facsimile in the United States Patent Office on March 20, 2001, the due date set for response in the Notice of Missing Requirements dated February 20, 2001. Accordingly, Applicant respectfully requests that the Holding of Abandonment in the present application be withdrawn.

Respectfully submitted,



Agent on behalf of Applicant
John C. Jeffrey
Registration No. 35,764
(416) 368-8313

JJ/ab
Enclosure

MODE = MEMORY TRANSMISSION

START=MAR-20 17:22

END=MAR-20 17:24

FILE NO. = 035

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
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-DENNISON / MACBETH -

***** -TORONTO ONT - ***** - 416 368 1645- *****

DENNISON ASSOCIATES

PATENT AND TRADE-MARK AGENTS

SUITE 301
133 RICHMOND STREET WEST
TORONTO, ONTARIO, CANADA
M5H 2L7

TELEPHONE: (416) 368-8313

FACSIMILE: (416) 368-1645

FACSIMILE TRANSMISSION

DATE: March 20, 2001

TO: THE COMMISSIONER OF PATENTS AND TRADEMARKS

ATTN: John L. Anderson

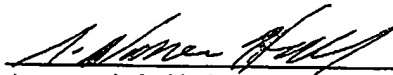
FAX NO.: (703) 308-7757 305-3230

FROM: John Jeffrey

TOTAL NO. OF PAGES
INCLUDING COVER SHEET IS: 1

MESSAGE:

I hereby certify that the attached is an originally signed Transmittal letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 dated March 20, 2001, to the Office Action dated February 20, 2001, being transmitted by facsimile on March 20, 2001, for Jeffrey Kent and Rae Anne Cordick.


Agent on behalf of Applicant
S. Warren Hall, Reg. No. 30,350
Tel: (416) 368-8313

Original will not follow.sp

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE TELEPHONE Aileen Bronkhorst at (416) 368-8313.

CONFIDENTIALITY NOTICE

THIS FACSIMILE COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL PERSON OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR THE AGENT RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISCLOSURE, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (PHONE COLLECT) AND RETURN THE ORIGINAL FACSIMILE COMMUNICATION TO US AT THE ABOVE ADDRESS BY THE POSTAL SERVICE. THANK YOU.

DENNISON ASSOCIATES

PATENT AND TRADE-MARK AGENTS

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TORONTO, ONTARIO, CANADA
M5H 2L7

TELEPHONE: (416) 368-8313

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DATE: March 20, 2001

TO: THE COMMISSIONER OF PATENTS AND TRADEMARKS

ATTN: John L. Anderson


FAX NO.: (703) ~~308-7751~~ 305-3230

FROM: John Jeffrey

TOTAL NO. OF PAGES
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#6

UNITED STATES

PETITION, DECLARATION AND SPECIFICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ODOR CONTROL AGENT

the specification of which

() is attached hereto.

(X) was filed on July 13, 1999 as

PCT International Application No. PCT/CA99/00628

and was amended on July 28, 2000 under Article 34 PCT
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

2,243,011
(number)

CANADA

(country)

JULY 13, 1998

(date filed)

**Priority
Claimed**

(\bar{X})
yCS

()
no

(number)

(country)

(date filed)

()
yes

()
no

(number)

(country)

(date filed)

()
yes

()
по

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined by Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Appln. Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

And we hereby appoint the following as our attorneys or agents to prosecute this application and to transact all business in the Patent Office connected therewith:

Douglas S. Johnson, Registration No. 15,945;
S. Warren Hall, Registration No. 30,350;
James W. Carson, Registration No. 32,374
John C. Jeffrey, Registration No. 35,764; and
Frank P. Farfan, Registration No. 35,773
all of MacBeth & Johnson, 133 Richmond Street West, Suite 301, Toronto, Ontario, Canada, M5H 2L7.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jeff Fredenburgh

Inventor's signature [Signature]

Date: January 12/2001

Residence 5054 Cherry Street, Bollantrae, ONTARIO, CANADA L3R 2P6

Citizenship Canadian

Post Office Address Same as above

Full name of second inventor Rae Anne Cordick

Inventor's signature [Signature]

Date: _____

Residence 22 ST. PHILLIPS ROAD TORONTO, ONTARIO, CANADA M9H

Citizenship Canadian

Post Office Address Same as above

FORM PTO-1390
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

JJ - 10 072US

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5
09/743,757

INTERNATIONAL APPLICATION NO.
PCT/CA99/00628

INTERNATIONAL FILING DATE
July 13, 1999

PRIORITY DATE CLAIMED
July 13, 1998

TITLE OF INVENTION

ODOR CONTROL AGENT

APPLICANT(S) FOR DO/EO/US

Jeffrey Kent Fredenburgh and Rae Anne Cordick

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/743757	CORDICK	R JJ - 10 072U
INTERNATIONAL APPLICATION NO.		
PCT/CA99/00628		
I.A. FILING DATE	PRIORITY DATE	
13 JUL 98	13 JUL 98	
DATE MAILED: 20 FEB 2001		

MACBETH & JOHNSON
133 RICHMOND STREET WEST SUITE 301
TORONTO, CAN M5H 2 L7

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☐ Translation of the international application into English.
☐ Oath or Declaration of inventor(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

DUE DATE DIARY	
ACTION	DUE DATE
DAI	MAR 20/01 Am

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claim for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875
FORM PCT/DO/EO/905 (December 1997)

John L. Anderson

Telephone: 703-308-9116

BEST AVAILABLE COPY